

AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 292

Introduced by Senator Hancock

February 25, 2009

An act to add Chapter 9.9 (commencing with Section 6280) to Title 7 of Part 3 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 292, as amended, Hancock. Prisoners: alternative incarceration.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with various entities for the housing and other care of inmates who are subject to the department's jurisdiction, but not incarcerated in a state prison. Existing law authorizes the department to construct, establish, and operate reentry program facilities with programs to assist inmates and parole violators to reintegrate into society.

This bill would state findings and declarations of the Legislature relative to alternative incarceration for nonviolent inmates. The bill would authorize the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with Alternative Incarceration Facilities, as defined, for housing certain nonviolent inmates who meet certain criteria. The bill would authorize the secretary to adopt regulations to implement those purposes, set forth criteria for inmates to meet in order to be transferred to Alternative Incarceration Facilities, and establish a compensation scheme for owners of those facilities. The bill would require a retired, correctional officer with certain experience to always be present at each facility *for purposes of providing certain technical assistance*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Responsible Alternative Incarceration Facility Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) The cost of incarcerating nonviolent prisoners who are serving time in a state prison is higher than would be attainable through alternative means.

(b) Public safety is the primary purpose of incarceration and public safety goals may continue to be achieved through less costly alternatives for certain inmates convicted of nonviolent crimes.

(c) It is the intent of the Legislature by enacting this measure to create a program that encourages experienced correctional personnel to organize and staff small, secured, managed residential facilities to house nonviolent inmates meeting other appropriate criteria, and that these facilities form a bridge between prison and society that will enable inmates to become productive members of society on a more expeditious and less costly basis.

SEC. 3. Chapter 9.9 (commencing with Section 6280) is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 9.9. ALTERNATIVE INCARCERATION FACILITIES

6280. (a) The Department of Corrections and Rehabilitation is authorized to contract with an Alternative Incarceration Facility for placement of inmates who meet the criteria set forth in Section 6281.

(b) The department shall adopt regulations to implement this chapter. The regulations shall include, but not be limited to, the following criteria for certifying a facility as an Alternative Incarceration Facility:

(1) No more than 25 residents may be housed at the facility.

(2) The facility is owned and operated by a natural person or community organization *knowledgeable in the area of providing treatment or services for persons who have been incarcerated in a state prison*, and the owner and operator ~~do~~ does not own or operate more than two Alternative Incarceration Facilities.

(3) The facility shall not be located within 1,000 feet of any hospital, school, preschool, prison, jail, or other Alternative Incarceration Facility.

(4) The facility, *including its staffing and security standards*, must be certified by the American Correctional Association as providing evidence-based programs for case management, drug treatment, and mental health counseling, or as having access to community-based case management, drug treatment, and mental health counseling.

6281. (a) Inmates eligible for transfer to an Alternative Incarceration Facility shall meet *all of* the following criteria:

(1) Be an inmate in a state prison.

(2) Have at least one-year incarceration left to serve.

(3) Have served at least six months incarceration in a state prison.

~~(4) Be incarcerated for a nonviolent offense.~~

(4) Is not currently serving and has not served a prior indeterminate sentence or a sentence for a violent felony, a serious felony, or a crime that requires him or her to register as a sex offender pursuant to the Sex Offender Registration Act, and has scored a low risk on the risk and needs assessment tool used by the Department of Corrections and Rehabilitation.

(5) Have requested to be transferred to an Alternative Incarceration Facility.

~~(6) Must complete~~ *Have completed* a risk and needs assessment before entering the facility.

(b) The Secretary of the Department of Corrections and Rehabilitation may establish additional standards for eligibility for inmates to transfer to an Alternative Incarceration Facility. Those standards shall include criteria for individual inmate evaluation and designation to an ~~Alternate~~ *Alternative* Incarceration Facility specifically suitable for that inmate.

(c) The facility must agree to accept the inmate prior to transfer of the inmate to the facility.

(d) The operator of the facility may return an inmate to prison at any time.

(e) An inmate may return to prison or transfer to another Alternative Incarceration Facility if that facility agrees to accept that inmate.

(f) The inmate must complete a risk and needs assessment before ~~leaving being released from~~ the facility.

6282. Each Alternative Incarceration Facility shall have present, at all times, a retired, qualified correctional peace officer with at least five years of experience as a correctional peace officer and at least two years management experience as a parole officer *for the purpose of providing technical assistance in the provision of reentry services consistent with the purposes of this chapter.*

6283. (a) The owner of an Alternative Incarceration Facility shall be compensated by the Department of Corrections and Rehabilitation, as follows:~~(1)~~

(1) Monthly payment per resident of an amount equal to one-half the sum determined by dividing the previous fiscal year's budget for the department by the highest number of inmates incarcerated by the department during that year.

(2) Payment of five hundred dollars (\$500) for each resident who attains his or her General Education Diploma while residing at the facility.

(3) Payment of one thousand dollars (\$1,000) for each resident who attains his or her Associate of Arts degree while residing at the facility.

(4) Payment of one thousand dollars (\$1,000) for each resident who completes a vocational education program approved by a local school district and is accepted into a local union while residing at the facility.

~~(b) Each resident who is employed shall pay two-thirds of his or her take-home pay monthly to the operator of the facility.~~

(b) The operator of the facility may charge the resident reasonable fees, based on ability to pay, for room, board, and so much of the costs of administration as are allocable to that resident. The fees may not exceed actual, demonstrable costs to the department. No fees shall be collected from an inmate or parolee after his or her residency in the facility has terminated. Notwithstanding any other provision of law, no inmate or parolee shall be denied placement in a facility authorized by this chapter on the basis of inability to pay fees authorized by this section.

6284. For purposes of this chapter, the following definitions shall apply:

1 (a) A “natural person” means a human being, not a corporation,
2 partnership, limited liability company, corporative business, trust,
3 or similar entity.

4 (b) “Alternative Incarceration Facility” means a secure
5 residential facility certified by the Department of Corrections and
6 Rehabilitation to be used for the purpose of housing nonviolent
7 inmates who meet the criteria set forth in Section 6281.

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